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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,155	08/24/2001	Brian A. Hansche	IR105446	4168

22863 7590 04/15/2005

MOTOROLA, INC.  
CORPORATE LAW DEPARTMENT - #56-238  
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PHOENIX, AZ 85018

EXAMINER
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ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/939,155	Applicant(s) HANSCH ET AL.	
	Examiner Chad Zhong	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**FINAL ACTION**

1. This action is responsive to communications: Amendment, filed on 1/31/2005. This action has been made final.

Claims 1-20 are presented for examination. In amendment A, filed on 1/31/2005:  
claims 1, 2, 4-7, 11, 12, 19 are amended.

2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Coussement, US 2002/0114441.

6. As per claim 1, Coussement teaches a method for obtaining presence information by a first user

through a first network, the method comprising the steps of:

transmitting by the first user to a presence proxy (see for example, [0070-0071], wherein the subscriber application can be any subscribing application, one non-limiting example would be IPR and CTI server; [0053], [0065], wherein the invention is made available on the Internet. The proxy would be server 15, Host server 15 provides an access point for other customers, furthermore, Coussement defines customers as any subscribing entity, an example would be remote routers/servers as shown in [0071] and [0085]. Thus the subscription message can originate from a different domain than the communications center 11, the first subscription message would be arriving from a remote router i.e. a customer/first user to the Host server 15, the Host server 15 would then subscribe to the agent/second user 67) a subscribe message for presence information of a second user ([0067], [0069], [0075], wherein the collected presence information from one or more agents are integrated and said integrated information then sent to subscribing applications);

transmitting by the presence proxy (see for example, Fig 1, item 15) to a presence agent (Fig 1, item 67), the subscribe message the presence agent related to the second user (wherein the Host server acts as the proxy and the server 67 acts as the agent, subscribing applications/messages originates from another domain gets routed through the Host server 15 and then arriving locally at LAN 11, wherein server 67 is gathering local agent information); and

transmitting by the presence agent the presence information to the presence proxy ([0067]; [0073], wherein the status information of tracked agents are sent back to the subscribing applications).

17. As per claim 2, Coussement teaches the method for obtaining presence information as claimed in claim 1, wherein there is further included the step of transmitting by the presence proxy to the first user, the presence information ([0067], wherein information is transmitted to requesting application).

18. As per claim 3, Coussement teaches the method for obtaining presence information as claimed in

claim 1, wherein there is further included the steps of:

storing by the presence proxy the presence information ([0067], tracking of states implies storage of states on the proxies); and

transmitting the stored presence information to the first user at a later time ([0067], this process of gathering and release of gathered information does not occur in real time.).

19. As per claim 4, Goussement teaches the method for obtaining presence information as claimed in claim 1, wherein the step of transmitting the a subscribe message includes the step of transmitting by the first user the subscribe message for presence information of a plurality of second users, at least one of said plurality of second users being located in a second network ([0075]).

20. As per claim 5, Coussment teaches the method for obtaining presence information as claimed in claim 4, wherein the step of transmitting the presence information further includes the step of transmitting by the presence proxy a plurality of response messages to the first user, each of the plurality of response messages including presence information of one of the plurality of second users ([0067]; [0075]).

21. As per claim 6, Coussment teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting, by the first user to a presence proxy, a subscribe message for presence information of a plurality of second users (see for example, [0053], [0062], [0065], wherein the agent 67 keeps track of statuses of plurality of second users on the network);

transmitting, by the presence proxy to a plurality of presence agents, a plurality of subscribe messages, each of the plurality of presence agents corresponding to one of the plurality of second users (see for example, [0053], [0062], [0065], [0037], [0041], wherein the presence agents are formed in a hierarchical and redundant fashion, thus subscription to plurality of presence agents will correspond to

one of plurality of second users); and

transmitting by the presence proxy a single response message including the presence information of each of the plurality of second users ([0076]).

22. As per claim 7, Coussment teaches the method for obtaining presence information as claimed in claim 6, wherein there is further included the step of transmitting by each of the plurality of presence agents to the presence proxy, the presence information corresponding to at least one of the plurality of second users ([0067]).

23. As per claim 8, Coussment teaches the method for obtaining presence information as claimed in claim 6, wherein there is further included a step of storing by the presence proxy the presence information of each of the plurality of second users ([0067]).

24. As per claim 9, Coussment teaches the method for obtaining presence information as claimed in claim 8, wherein the step of transmitting a single response message includes the steps of:  
forming said single response message including the presence information of each of said plurality of second users ([0076]); and  
transmitting the formed single response message to the first user ([0076]).

25. As per claim 10, claim 10 is rejected for the same reasons as rejection to claim 4 above.

26. As per claim 11, claim 11 is rejected for the same reasons as rejection to combination of claims 1 and 6 above.

27. As per claims 12-13, claims 12-13 are rejected for the same reasons as rejection to claim 7, 9 above respectively.

28. As per claim 14, Coussment teaches the method for obtaining presence information as claimed in

claim 11, wherein the step of transmitting by the first user an identity of a list includes the step of indicating by the first user the identity of one of a plurality of lists of second users for which to obtain presence information ([0067]; wherein the originator must know what devices to monitor/track in the first place).

29. As per claim 15, claim 15 is rejected for the same reasons as rejection to claim 4 above.

*Claim Rejections - 35 USC § 103*

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coussement, US 2002/0114441, in view of RFC 2779, Day et al. February 2000.

32. As per claim 16, Coussment teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting by a presence agent a notify message to a presence proxy, the notify message including presence information of a second user ([0067]; [0073]; [0085], wherein the Server/presence agent 67 notifies the presence information of a second user to Host Server/presence proxy 15);

transmitting the notify message by the presence proxy to the first user ([0065]; [0067]); and

storing the presence information of the second user by the presence proxy ([0015]; [0024])

33. Coussment does not explicitly teach:

if the presence proxy fails to receive an acknowledgment message from the first user (although there is strong suggestion of doing so in pg 8, [0080], wherein there can be plurality of user agents connected to plurality of presence proxies, thus information is stored on a proxy if agent or proxy experiences technical difficulties for whatever reason, this is done so for redundancy purposes).

RFC 2779 teaches a similar but non-identical system wherein presence protocol is a protocol that can fail, and such that reliability is not 100%, thus reasons for failure was put in place so future improvements can be made to the protocol (see for example, pg 8, 4.2.1)

It would have been obvious to combine teachings of Coussment and RFC 2779 because they are both dealing with presence proxy networks, furthermore, the teaching of RFC 2779 to allow if the presence proxy fails to receive an acknowledgment message from the first user would improve the reliability of Coussment's system by allowing for failure messages dealing with the type of failures within the system

31. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coussment, US 2002/0114441, in view of RFC 2779, Day et al. February 2000, in further view of Jiang et al. (hereinafter Jiang), US 2003/0059004.

34. As per claim 17, Coussment does not explicitly teach the method for obtaining presence information as claimed in claim 16 wherein there is further included a step of regaining access by the first user to the presence proxy through the first network.

In a similar but non-identical system, Jiang teaches:

a step of regaining access by a first user to the presence proxy through the first network ([0053]). Jiang teaches failure recovery of the original failed node. It would have been obvious to combine teachings of Coussment and Jiang because they are both dealing proxy server, furthermore, the teachings of Jiang to have step of regaining access by a first user to the presence proxy through the first network



would improve the failure recovery and reliability of Coussment's system by allowing for continual usage of the original failed node ([0015]).

35. As per claim 18, Coussment teaches the method for obtaining presence information as claimed in claim 17 wherein there is further included the step of transmitting a subscribe message by the first user, the subscribe message including a request for presence information of a third user ([0067]).

35. As per claim 19, Coussment teaches the method for obtaining presence information as claimed in claim 18 wherein there is further included the steps of:

responsive to the step of transmitting a subscribe message for presence information of the third user, transmitting by the presence proxy a subscribe message for presence information of the third user to a presence agent; and

transmitting by the presence agent a response message to the presence proxy, the response message including the presence information of the third user ([0066-0067]).

36. As per claim 20, Coussment teaches the method for obtaining presence information as claimed in claim 19 wherein there is further included the step of transmitting by the presence proxy to the first user the presence information of the third user and the presence information of the second user ([0076]).

### *Conclusion*

37. Applicant's remarks filed 1/31/05 have been considered but are found not persuasive.

38. In the remark, the Applicant argued in substance that Coussment fails to disclose or suggest "first user, second user or subscribe message and transmission of subscribe message".

In response to Applicant's arguments, Coussment teaches the above section.

Referring to [0053], [0065], wherein the invention is made available on the Internet. The proxy would be

Host server 15, Host server 15 provides an access point for other customers, furthermore, Coussement defines customers as any subscribing entity, an example would be remote routers/servers as shown in [0071] and [0085]. Thus the subscription message can originate from a different domain than the communications center 11, the first subscription message would be arriving from a remote router i.e. a customer/first user to the Host server 15, the Host server 15 would then subscribe to the agent/second user 67. Thus, Coussement teaches the claimed limitation.

39. In the remark, the Applicant argued in substance that Coussement fails to disclose or suggest “transmitting, by the presence proxy to a presence agent, the subscribe message, the presence agent related to the second user”.

In response to Applicant’s arguments, Coussement teaches the above section.

Referring to see for example, Fig 1, item 15; Fig 1, item 67; [0053], [0065], [0071] and [0085], wherein the Host server acts as the proxy and the server 67 acts as the agent, subscribing applications/messages originates from another domain gets routed through the Host server 15 and then arriving locally at LAN 11, wherein server 67 is gathering local agent information.

Thus, Coussement teaches the claimed limitations for at least the reasons stated above.

40. In the remark, the Applicant argued in substance that Coussement fails to disclose or suggest “presence agent”.

In response to Applicant’s arguments, Coussement teaches the above section.

The presence agent is the combination of software 17 running on the web server 67 and the local secondary users it is keeping track of i.e. 43, 45, 47. In accordance with Coussement’s invention, the presence information of a plurality of users are combined/integrated together and made available to subscribing applications local or remote.

Thus, Coussement teaches the above claimed limitation.

41. In the remark, the Applicant argued in substance that Coussement fails to disclose or suggest “transmitting by a presence agent a notify message to a resence proxy, the notify message including presence information of a second user”.

In response to Applicant’s arguments, Coussement teaches the above section.

Referring to [0067]; [0073]; [0085] [0069], [0075], wherein the Server/presence agent 67 notifies the presence information of a second user to Host Server/presence proxy 15, the collected presence information from one or more agents are integrated and said integrated information then sent to subscribing applications.

Thus, Coussement teaches the above claimed limitation.

**THIS ACTION IS MADE FINAL.** Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to “**PRESENCE WATCHER PROXY**”.

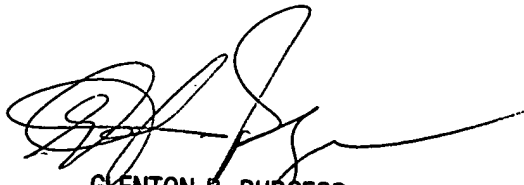
- i. "SIP Extensions for Presence", Rosenberg et al., Internet Engineering Task Force, December 2000.
- ii. US 6564261 Gudjonsson et al.
- iii. US 2001/0034771 H[0092]tsch et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ  
March 1, 2005

  
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